

COMBINED PUBLIC NOTICE

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

OCEAN COUNTY

November 13, 2015

New Jersey Department of Community Affairs
101 South Broad Street
PO Box 800
Trenton, NJ 08625-0800

This Notice is related to Federal assistance provided in response to the Presidentially-declared disaster, Superstorm Sandy. This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the New Jersey Department of Community Affairs (DCA).

Per 24 CFR 58.33, and 24 CFR 55.20(b)(1), the Notice of Intent to Request Release of Funds (NOI-RROF) and the Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain will be published simultaneously with the submission of the RROF. The funds are needed on an emergency basis due to a declared disaster from the impacts of Superstorm Sandy, which made landfall on October 29, 2012. As a result, the comment periods for the NOI-RROF, 100-Year Floodplain, and RROF have been combined. Commenters may submit comments to DCA and objections to the U.S. Department of Housing and Urban Development (HUD) to ensure they will receive full consideration.

REQUEST FOR RELEASE OF FUNDS

On or about November 23, 2015, the DCA will submit a request to HUD for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Stronger New Jersey Business Loan (SBL). DCA expects to fund the project using approximately \$2,114,068 of SBL funds.

PROJECT DESCRIPTION

Application ID number: SBL620236

Project Title: Rehabilitation and Elevation: The Dutchman's Brauhaus

Location: 2500 East Bay Avenue, Stafford Township, New Jersey

The total estimated project cost is \$2,293,090.

The proposed project includes the reimbursement for emergency repairs performed immediately after Superstorm Sandy as well as for future repairs to the property and structure. The proposed work, planned to be conducted strategically in five phases, will involve the repairs of existing

damages and structure improvements, temporarily removing the structure and placing it on the property's parking area, replacing the existing dock, pilings and pier, repositioning the structure onto the new pilings, backfilling the site to the new bulkheads, dredging the boat basin as permitted, and other associated electrical and utility service connections. This will restore and bring the restaurant back into a functional business.

The Responsible Entity, DCA, has determined that the proposed project is Categorically Excluded Subject to §58.5 authorities per 24 CFR 58.35(a). As such, a Statutory Checklist has been completed in order to determine whether the project is in compliance with the authorities cited at 24 CFR§58.5.

Additional project information is contained in the Environmental Review Record on file at the New Jersey Department of Community Affairs, Sandy Recovery Division, 101 South Broad Street, Trenton, NJ 08625-0800. The record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. or can be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

This is to give notice that the DCA has conducted an evaluation as required by Executive Order 11988, Floodplain Management, in accordance with HUD regulations at 24 CFR 55.20 Subpart C, Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded with Community Development Block Grant Disaster Recovery (CDBG-DR) funds under HUD grant number B-13-DS-34-0001.

The proposed project is located at 2500 East Bay Avenue, Stafford Township, Ocean County, New Jersey. Totalling approximately 0.964 acres, the property site is an existing commercial restaurant that comprises of the surface parking lot with seventy-five spaces, bulkheads, a dock, a pier, and mooring pilings; all of which service a 17,600 square foot, two-story, wood-frame restaurant building, which extends on pilings out over the bay waters with riparian grants. The project will entail rehabilitating the exterior and interior of the restaurant structure, replacement of the dock, pier, and pilings, and repositioning the structure onto the new pilings. The project site is entirely within the Special Flood Hazard Area Zone AE floodplain, as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panels 512 and 514 of 611, Map Numbers 34029C0512F and 34029C0514F, respectively, effective September 29, 2006. Although the FEMA DFIRM Flood Zone layer shows the entire property within an SFHA Zone A, the Preliminary FIRM layer shows a portion of the property within Zone A (0.319 acres) and the remainder within Zone V (0.645 acres). These flood maps incorporate all "A" and "V" categories, including, in this case, categories "AE" and "VE". The Preliminary FIRM layer shows the dock, pier, mooring pilings, and almost the entire building situated within Zone VE with the southeast corner of the structure within Zone AE. According to the NJDEP Wetlands Protection Map, there are no mapped/potential Wetlands located on or near the proposed project site; consequently, this project will have no direct or indirect effect on coastal or freshwater wetlands. However, since the project will be performed at or below the Mean High Water Line, a Waterfront Development Permit is required for the dredging activities.

DCA has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: 1) Rehabilitation and elevation of the commercial restaurant in accordance with all applicable local, state and federal floodplain requirements will greatly assist in the re-establishment of the commercial business in the area, enhance the vital economic recovery, and would aid in the community uplift and recovery in Stafford Township, New Jersey. The restaurant on piers and overlooking part of Manahawkin Bay will serve the community by being an attraction and act as a compliment to the city and surrounding neighborhoods. The rehabilitation of the structure will meet current minimum property standards with the use of better and higher quality building materials is extremely vital in minimizing risks to human life and withstanding future flooding and storm surge impacts. This alternative meets the goal of the SBL program, which is designed to facilitate recovery and funding the unmet operational and capital needs of eligible small businesses and non-profits impacted by Superstorm Sandy, and has been selected; 2) Relocation of the project to a different location outside the 100-Year Floodplain would be extremely difficult and cost prohibitive due to limited land that is not in the SFHA and the remote possibility of finding another location with similar amenities outside the floodplain within Stafford Township. Additionally, the parcel is previously developed as a commercial restaurant and the proposed project will not change the land use or further encroach into the 100-year Floodplain. Relocation would not enhance the economic recovery, community revitalization, and provision of possible employment in the area and would ultimately not meet the purpose of the SBL Program. Therefore, this alternative was considered and rejected; and 3) The No Action Alternative would not result in the program's goal of facilitating recovery and restoring small businesses, such as The Dutchman's Brauhaus, in the storm impacted areas. Additionally, without these repairs, the property may remain in a state of disrepair and potentially continue to deteriorate and contribute to a decline that will contribute to blighted conditions, and possibly create a public safety hazard at the property and the community. Therefore, the "No Action Alternative" would not meet the needs to restore the property with the most stringent applicable construction and elevation requirements, which are intended to minimize risks to human life and withstand future flooding and storm surge impacts and therefore, has been rejected. Implementation of the proposed action will require local and state permits, which may place additional mitigation requirements on the project. DCA has determined that construction and operation of the proposed project would not result in significant adverse impacts to flood levels, flood risk, or the flow of floodwaters on the project site or surrounding areas.

DCA has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review and copying upon request at the times and location described in the Public Comments section of this notice.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government

determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to Laura Shea, Assistant Commissioner, Sandy Recovery Division, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800 or online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/> and to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. All comments received by November 23, 2015, or seven (7) days from the actual date of publication, whichever is later, will be considered by DCA. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

DCA certifies to HUD that Charles A. Richman, in his capacity as Acting Commissioner of DCA consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under the National Environmental Policy Act and related laws and authorities, and allows DCA to use CDBG-DR funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DCA's certification for a period of seven (7) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of DCA; (b) DCA has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58.76) and shall be addressed to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Commissioner Charles A. Richman
New Jersey Department of Community Affairs